

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

EDEN ROGERS and

BRANDY WELCH,

Plaintiffs,

-against-

UNITED STATES DEPARTMENT OF HEALTH
AND HUMAN SERVICES;

ALEX AZAR, in his official capacity as Secretary
of the UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES;

ADMINISTRATION FOR CHILDREN AND
FAMILIES;

LYNN JOHNSON, in her official capacity as
Assistant Secretary of the ADMINISTRATION
FOR CHILDREN AND FAMILIES;

SCOTT LEKAN, in his official capacity as
Principal Deputy Assistant Secretary of the
ADMINISTRATION FOR CHILDREN AND
FAMILIES;

HENRY MCMASTER, in his official capacity as
Governor of the STATE OF SOUTH CAROLINA;
and

MICHAEL LEACH, in his official capacity as State
Director of the SOUTH CAROLINA
DEPARTMENT OF SOCIAL SERVICES,

Defendants.

Case No. 6:19-cv-1567-TMC

**PLAINTIFFS' MOTION TO
COMPEL DISCOVERY**

PLAINTIFFS' MOTION TO COMPEL DISCOVERY

Plaintiffs Eden Rogers and Brandy Welch (“Plaintiffs”) respectfully submit this Motion to Compel Discovery from Defendants Henry McMaster and Michael Leach (together, “State Defendants”).

As set forth in greater detail in the attached Memorandum, Plaintiffs served discovery requests on both State Defendants on June 4, 2020. At Defendants’ request and on their representation that they were making “diligent efforts” to collect and review documents, Plaintiffs granted each State Defendant a 30-day extension to respond to the requests. State Defendants then produced document productions on August 4, 2020, that were deficient on their face. From each Defendant, the productions spanned fewer than 400 pages, included no responsive documents to the majority of Plaintiffs’ requests and no draft documents, plainly derived from only a few custodians and rested on a myriad of expansive and unwarranted objections. Plaintiffs’ subsequent efforts to meet and confer with State Defendants regarding their discovery responses were unproductive, as State Defendants refused to provide any information about what was done to search for responsive documents and refused to engage in any fruitful conversation regarding potential next steps. Thus, for the reasons set forth in the attached Memorandum, Plaintiffs respectfully request that the Court order State Defendants to cooperate with Plaintiffs regarding their discovery obligations and to produce all documents that have been improperly withheld.

Pursuant to Local Rule 7.04, all relevant portions of the discovery material are filed with this motion as exhibits to the Declaration of Peter T. Barbur, filed herewith.

October 5, 2020

/s/ Susan K. Dunn

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